

## **A G E N D A**

### **BOARD OF SHELBY COUNTY COMMISSIONERS**

#### **CHARTER FORM OF GOVERNMENT**

**SEPTEMBER 27, 2004**

**1:30 P.M.**

**COMMISSION CONVENES**

**CALL TO ORDER**

**Deputy Sheriff Ricky Jackson**

**INVOCATION**

**Reverend Cheryl Cornish  
First Congregational Church, United Church of Christ**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

#### **Approval of Minutes of Previous Sessions**

**LOEFFEL  
ADOPTED**

**July 19, 2004  
July 26, 2004**

## **C O N S E N T   A G E N D A**

#### **Resolutions of Memorial, Sympathy and Commendation**

**(DEFERRED  
TO 10/11/04)**

- 1.      Memorial resolution in honor of First Lieutenant Andrew K. Stern of Germantown.**

**LOEFFEL  
ADOPTED**

- 1A.    Resolution honoring Demetrius Williams.**

**MALONE  
ADOPTED**

- 2.      Memorial resolution honoring Maurice Brooks.**

#### **Ordinances**

**FORD  
ADOPTED**

- 3.      ORDINANCE – SECOND READING – An Ordinance to adopt Supplement No. 25 to the Code of Shelby County, Tennessee.**

#### **Zoning and Subdivisions**

**MOSS  
ADOPTED  
(A-G)**

- 4.      Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.**

**Reports and/or Resolutions of Standing Committees**

**KIRK  
ADOPTED**

5. Resolution to amend the contract with Image America, Inc., to appropriate Special Revenue funds in the amount of \$354,893.00.

**KIRK  
ADOPTED**

6. Resolution approving a sub-award to the Shelby County Schools in the amount of \$13,713.00, net of required matching contribution pursuant to the Juvenile Accountability Block Grant for the term October 1, 2004 to September 30, 2005.

**KIRK  
ADOPTED**

7. Resolution to approve a contract between Shelby County Government and Memphis Networx, LLC, for broadband and internet network services for a not to exceed amount of \$309,000.00 for a term of five (5) years beginning at execution of the contract, and to appropriate \$46,350.00 for payments for the current fiscal year.

**KIRK  
ADOPTED**

8. Resolution to approve a contract with Casto Information Management Systems, Inc., for integrated document management system; and to appropriate funds from FY 2004/2005 CIP Project Number 101737, Criminal Court Clerk – Integrated Document Management System, in the amount of \$257,700.00.

**LOEFFEL  
ADOPTED**

9. Resolution authorizing the mayor to enter into a joint funding agreement with the City of Memphis for the development of a Storm Water Management Manual and to appropriate funds in the amount of \$75,000.00 from the FY 2004/2005 Budget for CIP Project Number 100155, Memphis and Shelby County Drainage Manual.

**LOEFFEL  
ADOPTED**

10. Resolution authorizing the mayor to enter into a contract with Barge Waggoner Sumner and Cannon, Inc., to provide the county with the design of road and drainage improvements for the Horton Subdivision and to appropriate funds in the amount of \$89,800.00 from the FY 2004/2005 Budget for CIP Project Number 100102, Drainage Improvements.

**LOEFFEL  
ADOPTED**

11. Resolution authorizing Amendment Number 6 to Contract Number CA972096 with Parsons Transportation Group for additional professional services for the design of improvements to Houston Levee Road from Dogwood Road to Macon Road, amending the amount appropriated for the contingency funds to Contract Number CA043727 in Resolution Number 20 adopted June 23, 2003, and appropriating funds in the amount of \$36,200.00 for Amendment Number 6 to Contract No. CA972096 with Parsons Transportation Group, Inc.

THOMPSON ADOPTED	12.	Resolution amending Resolution Number 37, adopted September 10, 2001, entitled “Resolution amending Resolution Number 3 adopted August 3, 2001, in order to provide that the county Litigation Tax shall be collected on each criminal charge consistent with the state Litigation Tax and Tennessee Code Annotated 67-4-602” and all resolutions amendatory thereto.
THOMPSON ADOPTED	13.	Resolution to approve a contract with Foundations Associates, Inc., for the provision of treatment services to Shelby County Drug Court in the amount not to exceed \$405,000.00.
THOMPSON ADOPTED	14.	Resolution to approve a contract with Alcohol and Chemical Abuse Rehab Center, Inc., for the provision of treatment services to Shelby County Drug Court in the amount not to exceed \$300,000.00.
THOMPSON ADOPTED	15.	Resolution to approve a contract with New Directions, Inc., for the provision of treatment services to Shelby County Drug Court in the amount not to exceed \$250,000.00.
MOSS ADOPTED	16.	Resolution to approve the transfer of <u>Arlington Park</u> , including all existing park improvements, equipment and inventory thereon, together with the 9.69 acre tract of land upon which it is situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located on the south side of Douglas Street, 190 feet east of Airline Road, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes.
MOSS ADOPTED	17.	Resolution to approve the transfer of <u>Shadowlawn Park</u> , including all existing park improvements, equipment and inventory thereon, together with the 15.127 acre tract of land upon which it is situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located at 4734 Shadowlawn Road, to the City of Bartlett without monetary consideration for its continued development, operation and maintenance for public outdoor recreational purposes.
MOSS ADOPTED	18.	Resolution to approve the transfer of <u>Bartlett Park</u> , including all existing park improvements, equipment and inventory thereon, together with the 348.769 acre tract of land upon which it is situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located on the northwest corner of Memphis-Arlington Road and Billy-Maher Road, to the City of Bartlett, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes.

**MOSS  
ADOPTED**

19. Resolution to approve the transfer of Freeman Smith Park, including all existing park improvements, equipment and inventory thereon, together with the 8.097 acre tract of land upon which it is situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located at 4620 Brunswick Road, to the City of Bartlett, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes.

**MOSS  
ADOPTED**

20. Resolution to approve the transfer of Edmund Orgill Park, Jamison Park and Millington South Park, including all existing park improvements, equipment and inventory thereon, together with a total of 244.477 acres of land upon which the parks are situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located in various locations in and around the City of Millington, to the City of Millington, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes.

**MOSS  
ADOPTED**

- 20A. Resolution to approve the transfer of Ellendale Park, Easthill Park and Deermont Park, including all existing park improvements, equipment and inventory thereon, together with a total of 31.2-7 acres of land upon which the parks are situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located in various locations in the City of Bartlett, to the City of Bartlett, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes.

**MALONE  
ADOPTED**

21. Resolution approving the transfer of title of two parcels of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985, authorizing the implementation of the Homestead Program.

**FORD  
ADOPTED**

**CONSENT AGENDA**

***R E G U L A R   A G E N D A***

**Elections, Appointments, and Confirmations**

**THOMPSON  
ADOPTED**

22. Resolution receiving and filing oaths for the Chairman and the Chairman Pro Tempore of the Shelby County Board of Commissioners.

FORD  
ADOPTED

23. Resolution approving the county mayor’s nomination of Humphrey Folk, III, for appointment to the *Memphis and Shelby County Port Commission*.

FORD  
ADOPTED

24. Resolution approving the county mayor’s nomination of Paul Brown and Wesley Grace for reappointment and of Martin Truitt, Johnny Moore and Cheryl Patterson for appointment to the *Memphis and Shelby County Center City Revenue Corporation*.

Ordinances

Zoning and Subdivisions

MOSS  
WITHDRAWN

25. CASE NO. Z 03-125 CC  
APPLICANT: Steve Anderson, Trustee
- LOCATION: South side of Macon Road;  
+/- 1,047.82 feet east of Pisgah Road
- REQUEST: Single Family Residential (R-S10) and  
Planned Commercial (C-P) Districts
- Memphis and Shelby County Office of Planning and  
Development recommendation:  
REJECTION
- Memphis and Shelby County Land Use Control Board  
recommendation:  
APPROVAL OF R-S10 and  
APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News on  
Friday, June 11, 2004.)

MOSS  
ADOPTED

26. CASE NO. S.U.P. 04-213 CO  
APPLICANT: Memphis Stone and Gravel Company
- LOCATION: South side of Millington-Arlington  
Road; ±1,050 feet east of Gratitude  
Church Road
- REQUEST: Sand and Gravel Mine
- Memphis and Shelby County Office of Planning and  
Development recommendation:  
APPROVAL WITH CONDITIONS
- Memphis and Shelby County Land Use Control Board  
recommendation:  
APPROVAL WITH CONDITIONS
- (No notice of public hearing or notice letters to  
interested property owners required since there was no  
opposition at the Land Use Control Board.)

**Reports and/or Resolutions for Standing Committees**

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| <b>BOLTON<br/>ADOPTED</b>                | <b>27. Resolution approving commissioners to the respective Standing Committees and Delinquent Tax Parcel Committee.</b>   |
| <b>LOEFFEL<br/>ADOPTED</b>               | <b>28. Resolution appointing Commissioner Joe Ford to serve as the Commission representative on the sponsoring government's board for the Aging Commission of the Mid South.</b>   |
| <b>FORD<br/>ADOPTED</b>                  | <b>29. Resolution approving the appointment of Chairman Michael Hooks and Commissioner Walter Bailey to the Center City Commission.</b>  |
| <b>BOLTON<br/>SUBSTITUTE<br/>ADOPTED</b> | <b>30. Resolution approving the appointment of Commissioner Tom Moss to the Board of Chickasaw Basin Authority.</b>  |
| <b>FORD<br/>ADOPTED</b>                  | <b>31. Resolution approving Commissioner Deidre Malone in the place and stead of the Chairman, and Commissioner John Willingham as Chairman of the Public Service &amp; Tourism Committee, to serve on the Convention Center Commission.</b> |
| <b>MOSS<br/>ADOPTED</b>                  | <b>32. Resolution appointing Commissioner Julian Bolton and Commissioner Bruce Thompson to serve as designated representatives on the PILOT Evaluation Committee of the Memphis and Shelby County Industrial Development Board.</b>          |
| <b>THOMPSON<br/>ADOPTED</b>              | <b>33. Resolution approving the appointment of County Commissioner Cleo Kirk as Budget Chairman and Commissioner Tom Moss to serve in the place and stead of the Chairman on the Shelby County Retirement Board.</b>                         |

**Announcements/Statements**

- 34. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.**
- a. Resolution approving the county mayor's nomination of John Fry, Herman A. Gilliam, Jr., David Less, Patricia Mitchell, Deanie Parker, Knox Phillips, Charles Ryan, John C. "Jay" Sheffield, Carol Sherrod and Philip Trenary for reappointment, and Blair Taylor for appointment replacing Sidney Chism to the *Memphis and Shelby County Music Commission*.**

- b. Resolution approving the county mayor's nomination of Genealogist Elizabeth Hughes, Commissioner David H. Lillard, Jr., and Judge Rita L. Stotts for appointment to the *Shelby County Public Records Commission*.
- c. Resolution approving the county mayor's nomination of Carol Crawley for reappointment, and of Mary Sharp and David Harris for appointment to the *Memphis and Shelby County Center City Downtown Parking Authority*.
- d. Resolution approving the appointment of Anthony Burrow, Sabrina A. Brinson, James B. Mitchell, Jr., Angela D. Mitchell, Mario C. Petersen, and Robin L. Phaneuf as community representatives to the *Head Start Policy Council*.

#### Adjournment

BOLTON  
ADOPTED

- 35. Resolution of Adjournment to October 4, 2004, at 1:30 P.M.

**AGENDA # 4**  
**SEPTEMBER 27, 2004**

**4A**

**SUBDIVISION:** BENJESCIRCLE SUBDIVISION (S 04-033 CC)

**DEVELOPER:** SHEILA G. AND RALPH N. TEMPLEMAN

**ACTION:** RESOLUTION TO APPROVE THE PLAT FOR BENJESCIRCLE SUBDIVISION (S 04-033 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

**LOCATION:** EAST SIDE OF BENJESTOWN ROAD; BEGINNING +598.5 FEET NORTH OF CIRCLE ROAD

**4B**

**SUBDIVISION:** BRUNSWICK FARMS SUBDIVISION, PHASE 3 (S 96-045 CO)

**DEVELOPER:** WATCO

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO BRUNSWICK FARMS SUBDIVISION, PHASE 3 (S 96-045 CO) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** NORTH SIDE OF U.S. HIGHWAY 70; BEGINNING 845.40 FEET EAST OF THE INTERSECTION OF BRUNSWICK ROAD AND U.S. HIGHWAY 70

**4C**

**SUBDIVISION:** CHELSEA ESTATES SUBDIVISION (S 00-043 CC)

**DEVELOPER:** FRED ELAM

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO CHELSEA ESTATES SUBDIVISION (S 00-043 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** NORTH SIDE OF FINCH ROAD, 1500 FEET EAST OF THE EASTLINE OF CRUMPLER ROAD

**4D**

**SUBDIVISION:** JARRETT SUBDIVISION, FIRST ADDITION (S 04-001 CC)

**DEVELOPER:** RICK JARRETT

**ACTION:** RESOLUTION TO APPROVE THE PLAT FOR JARRETT SUBDIVISION, FIRST ADDITION (S 04-001 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

**LOCATION:** TWO HUNDRED FEET WEST OF THE INTERSECTION OF LUCY ROAD AND SKYES ROAD



**AGENDA # 4**  
**SEPTEMBER 27, 2004**

**4E**

**SUBDIVISION:** LOGANS RUN SUBDIVISION (S 04-014 CC)

**DEVELOPER:** TRIMARK, L.L.C.

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO LOGANS RUN SUBDIVISION (S 04-014 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** NORTH SIDE OF HOLMES ROAD; BEGINNING 515+ FEET WEST OF AUTUMN FOREST DRIVE; EXTENDING NORTH TO THE SOUTHERN TERMINI OF AUTUMN EVENING LAND AND AUTUMN MORNING LANE

**4F**

**SUBDIVISION:** PETERSON RIDGE SUBDIVISION, SECTION A (S 03-043 CC)

**DEVELOPER:** BOWDEN BUILDING CORPORATION

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO PETERSON RIDGE SUBDIVISION, SECTION A (S 03-043 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** WEST SIDE OF BILLY MAHER ROAD; +314 FEET SOUTH OF FISKE ROAD

**4G**

**SUBDIVISION:** WOODLAND HILLS P.D., SIXTH AMENDMENT PART OF PARCEL 9, PHASE 23 (P.D. 03-322 CC)

**DEVELOPER:** COASTAL FUELS, INC.

**ACTION:** RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO WOODLAND HILLS P.D., SIXTH AMENDMENT PART OF PARCEL 9, PHASE 23 (P.D. 03-322 CC)

**LOCATION:** SOUTH SIDE OF MACON ROAD (CORDOVA ROAD); SOUTH OF THE TERMINUS OF FAR DRIVE